IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

OP.No. 6211 of 2000(M)

PETITIONER:

P.DEVAKI, W/O.AYYAPPAN,
PALAKKAYIL HOUSE,
P.O.CHOKKAD, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:
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1. **THE DEPUTY DIRECTOR,**
   SEED GARDEN CORPORATION,
   MUNDERI, MALAPPURAM DISTRICT.

2. **THE REGIONAL PROVIDENT FUND COMMISSIONER,**
   EMPLOYEES PROVIDENT FUND ORGANISATION
   SUB REGIONAL OFFICE, CALICUT 6.

BY ADV. SRI.N.N.SUGUNAPALAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO. 10419/2000 IN OP. NO.6211/2000

DISMISSED

21.12.2006 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE APPLICATION FILED THE PETITIONER DT.NIL.

EXT.P2:- COPY OF THE LETTER SENT BY END RESPONDENT DT.19.7.99.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P.No.6211 of 2000

Dated 21st December, 2006.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus directing the 2nd respondent to grant pensionary benefits to the petitioner on the ground of "permanent total disablement during service"

Learned Standing Counsel for the second respondent submits that the discharge certificate shows that it is a case of voluntary retirement. It is the contention of the petitioner that it is not a case of voluntary retirement, but compulsory retirement on account of disability. It is for the petitioner to approach the first respondent, get an appropriate certificate from the first respondent and produce before the second respondent, in which case the matter will be duly considered by the second respondent.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No.6211 of 2000 (M)

J U D G M E N T

Dated 21st December, 2006.